

PLANNING DIVISION STAFF REPORT

February 23, 2014

PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION



Project Address: 5417 Femrite Drive (District 16 – Ald. Demarb)
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [36618](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant and Property Owner: David H. Meier; 5513 Femrite LLC; 5501 Femrite Drive; Madison, WI 53718

Contact: Dan O’Callaghan; Michael Best & Friedrich LLP; 1 South Pinkney Street Suite 700; Madison, WI 53703

Requested Action: The applicant requests approval of a demolition permit and a conditional use. The site is within Urban Design District 1.

Proposal Summary: Upon demolition of the existing structure the applicant proposes to build a 31-stall parking lot. This is considered a private parking facility and is a conditional use.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits [MGO Section 28.185(7) and Conditional Uses [MGO Section 28.183(6)]. The new parking lot is also subject to the standards for Urban Design District 1 [MGO Section 33.24(8)].

Review Required By: Urban Design Commission and Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards and conditional use standards met and **approve** the request to demolish a single-family home for the purpose of creating a private parking facility at 5417 Femrite Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 28,815 square foot subject property is located on the southwest corner of the intersection of Femrite Drive and Marsh Road.

Existing Conditions and Land Use: The subject site includes a single-family home and detached garage.

Surrounding Land Use and Zoning:

North: Office building, zoned IL (Industrial Limited);

South: Single-family and accessory buildings on 4.8-acre parcel, zoned IL;

East: Badger Bus facility on the opposite side of Marsh Road, zoned IL; and

West: Single-family and accessory buildings on 4.8-acre parcel, zoned IL.

Adopted Land Use Plan: The Comprehensive Plan recommends industrial uses for this area.

Zoning Summary: The property is zoned IL (Industrial Limited). A report from the Zoning Administrator was not provided in time to be included in this report.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services. Nearest bus service is accessed from Agriculture Drive.

Project Description, Analysis, and Conclusion

The applicant, Badger Bus Transportation Group, requests approval to demolish a single-family residence for the purpose of constructing a surface parking lot. The parking lot is considered a “private parking facility” which is a conditional use in the IL (Industrial Limited) zoning district. The site is also within Urban Design District (UDD) 1. This proposal is subject to the approval standards for demolitions, conditional uses, and UDD 1. Note that a similar request to demolish a different home and construct a 25-stall lot was approved in October 2014.

The home proposed for demolition is a one-story, 960-square foot bungalow-style residence. City assessor’s records indicate the structure was constructed in 1934. Specific information on the building’s condition was not provided in the application, though photos of the structure are attached. An existing two-car detached garage will be demolished and the existing septic field and drainage system will be removed. Plans also show that three mature trees will be removed. One mature tree at the southwest corner of the site is proposed to remain.

The proposed future use is a 31-stall parking lot. Follow up correspondence from the project’s representative states that the applicant’s intent is to utilize the lot for passenger parking to serve employees and not to park busses at this location. The Zoning Administrator has indicated that storage of busses or similar vehicles would not be consistent with this conditional use, if approved. The parking lot includes 29 typical 90-degree stalls and two (2) parallel stalls at the center of the property.

Staff believes the applicable standards can be met. Prior to approving this proposed demolition and future use, the Plan Commission must find that proposed demolition and future use are compatible with both the purpose of the Zoning Code’s demolition section and the purpose expressed in the Zoning Code for the subject IL (Industrial-Limited) District. In making their finding, the Plan Commission may give weight to any relevant facts including the proposal’s effects on the normal and orderly development of surrounding properties. Staff notes that the demolition of the existing structure would remove a home which is currently a non-conforming use in the Industrial-Limited zoning district. The demolition standards also state that the proposed use should be compatible with adopted plans. The Comprehensive Plan recommends industrial uses for the subject site, and staff believes a surface parking lot to support the existing use is consistent with this recommendation. No objections to this demolition were raised by the Preservation Planner or by the Landmarks Commission.

In considering the conditional use standards, staff does not believe that establishing a parking lot will have a significant impact on surrounding properties. The applicant proposes to develop a six-foot tall cedar fence along the property lines shared with the adjoining property to screen the parking lot from the adjacent home, which like the subject home, is also a non-conforming use.

In considering the standards for UDD 1, the purpose of the district to make the South Beltline Highway and adjacent properties a visually attractive approach to the City of Madison. Section 33.24(8)(c)5.a.iv states that all open off-street parking areas containing more than three (3) spaces shall have effective screening on each side adjoining or fronting on any residential property or any public or private street. Plant material is required to be

planted at a minimum height of thirty (30) inches and grow to a mature height of at least fifty-four (54) inches. The frontage planting proposed appears to be able to meet the mature requirements, based on the provided planting schedule. Other non-vegetative screening materials are required to have a minimum height of fifty-four (54) inches. Frontage landscaping along Femrite Drive and Marsh Road includes Downy Arrowhead Viburnum, Ninebark, and different varieties of arborvitae. In addition to retaining an existing tree, the applicant proposes to utilize skyline honey locust and Hedge Maple in the tree islands.

At the time of report writing, the adjacent property owner has contacted staff regarding questions about screening, snow storage, and the types of vehicles that could be parked on site.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the demolition standards and conditional use standards met and **approve** the request to demolish a single-family home for the purpose of creating a private parking facility at 5417 Femrite Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Janet Schmidt, 261-9688)

1. City of Madison Official maps have reserved the north 7 feet and the east 27 feet of this parcel with a 25 foot return radius for future road right of way, per Official Map Ordinance 2091, adopted August 11, 1966. This reservation area per the Official Map shall be shown and labeled on the site plan.
2. Access to the parking lot is from Marsh Road; therefore, the address of the parking lot is 3302 Marsh Road. The address of 5417 Femrite Drive will be retired and inactivated with the demolition of the house.
3. The applicant shall install an inlet on private property to collect the drainage from the proposed East/West ditch on the south side of the property, and connect to public storm sewer on Marsh Road.
4. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
5. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
6. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
7. All damage to the pavement on Femrite Drive and Marsh Road, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

8. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
9. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
10. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
11. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
12. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
13. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
14. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
15. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

16. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
17. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
18. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
19. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were not received in time to be included within this report.

Fire Department (Contact Bill Sullivan, 261-9658)

20. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavary (608) 576-0600.

Parks Division (Contact Kay Rutledge, 266-4714)

21. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction – <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
22. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.
23. Please reference ID# 15105 when contacting Parks about this project.

Water Utility (Contact Dennis Cawley, 261-9243)

24. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.